

of the stationary source should be approved, approved with conditions or disapproved;

(ii) Make available in at least one location in the region in which the proposed stationary source would be constructed or modified, a copy of all materials submitted by the owner or operator, a copy of the Director's preliminary determination, and a copy or summary of other materials, if any, considered by the Director in making his preliminary determination; and

(iii) Notify the public, by prominent advertisement in a newspaper of general circulation in the region in which the proposed stationary source would be constructed or modified, of the opportunity for public comment on the information submitted by the owner or operator and the Director's preliminary determination on the approvability of the new or modified stationary source.

(3) A copy of the notice required pursuant to this paragraph shall be sent to the Administrator through the appropriate regional office and to all other State and local air pollution control agencies having jurisdiction within the region where the stationary source will be constructed or modified.

(4) Public comments submitted in writing within 30 days of the date such information is made available shall be considered by the Director in making his final decision on the application.

(e) Approval—EPA is approving requests submitted by the State of Ohio on March 18, November 1, and November 15, 1994, for exemption from the requirements contained in section 182(f) of the Clean Air Act. This approval exempts the following counties in Ohio from the NO<sub>x</sub> related general and transportation conformity provisions and nonattainment area NSR for new sources and modifications that are major for NO<sub>x</sub>: Clinton, Columbiana, Delaware, Franklin, Jefferson, Licking, Mahoning, Preble, Stark, and Trumbull. This approval also exempts the following counties in Ohio from the NO<sub>x</sub> related general conformity provisions; nonattainment area NSR for new sources and modifications that are major for NO<sub>x</sub>; NO<sub>x</sub> RACT; and a demonstration of compliance with the enhanced I/M performance standard for

NO<sub>x</sub>: Ashtabula, Cuyahoga, Geauga, Lake, Lorain, Medina, Portage, and Summit.

(f) Approval—USEPA is approving two exemption requests submitted by the Ohio Environmental Protection Agency on September 20, 1993, and November 8, 1993, for the Toledo and Dayton ozone nonattainment areas, respectively, from the requirements contained in Section 182(f) of the Clean Air Act. This approval exempts the Lucas, Wood, Clark, Greene, Miami, and Montgomery Counties from the requirements to implement reasonably available control technology (RACT) for major sources of nitrogen oxides (NO<sub>x</sub>), nonattainment area new source review (NSR) for new sources and modifications that are major for NO<sub>x</sub>, and the NO<sub>x</sub>-related requirements of the general and transportation conformity provisions. For the Dayton ozone nonattainment area, the Dayton local area has opted for an enhanced inspection and maintenance (I/M) programs. Upon final approval of this exemption, the Clark, Greene, Miami, and Montgomery Counties shall not be required to demonstrate compliance with the enhanced I/M performance standard for NO<sub>x</sub>. If a violation of the ozone NAAQS is monitored in the Toledo or Dayton area(s), the exemptions from the requirements of Section 182(f) of the Act in the applicable area(s) shall no longer apply.

(g) Approval—EPA is approving an exemption from the requirements contained in section 182(f) of the Clean Air Act. This approval exempts Butler, Clermont, Hamilton, and Warren counties in Ohio from nonattainment NSR for new sources and modifications that are major for NO<sub>x</sub>.

[39 FR 13542, Apr. 15, 1974, as amended at 45 FR 72122, Oct. 31, 1980; 45 FR 82927, Dec. 17, 1980; 51 FR 40677, Nov. 7, 1986; 58 FR 47214, Sept. 8, 1993; 59 FR 48395, Sept. 21, 1994; 60 FR 3766, Jan. 19, 1995; 60 FR 36060, July 13, 1995; 65 FR 37899, June 19, 2000]

**§ 52.1880 Control strategy: Particulate matter.**

(a) The requirements of subpart G of this chapter are not met because the

Ohio plan does not provide for attainment and maintenance of the secondary standards for particulate matter in the Greater Metropolitan Cleveland Intrastate Region and the Ohio portions of the Northwest Pennsylvania-Youngstown and the Steubenville-Weirton-Wheeling Interstate Regions.

(b) In Pickaway County, Columbus and Southern Ohio Electric Company, or any subsequent owner or operator of the Picway Generating Station, shall not operate simultaneously Units 3 and 4 (boilers 7 and 8) at any time. These units will terminate operation no later than October 1, 1980.

(c) Ohio Regulation EP-12 (open burning) is disapproved insofar as EP-12-03(D)(1) and EP-12-04(D)(1) allow open burning of hazardous or toxic materials.

(d)–(f) [Reserved]

(g) The B.F. Goodrich Chemical Plant State Implementation Plan revision is being disapproved because it is not supported by an adequate attainment demonstration and therefore does not meet the requirements of § 51.13(e).

(h) *Approval*. On January 4, 1989, the State of Ohio submitted a committal SIP for particulate matter with an aerodynamic diameter equal to or less than 10 micrometers (PM<sub>10</sub>) for Ohio's Group II areas. The Group II areas of concern are in Belmont, Butler, Columbiana, Franklin, Hamilton, Lorain, Mahoning, Montgomery, Richland, Sandusky, Scioto, Seneca, Stark, Summit, Trumbull, and Wyandot Counties. The committal SIP contains all the requirements identified in the July 1, 1987, promulgation of the SIP requirements for PM<sub>10</sub> at 52 FR 24681.

(i) Part D—Disapproval—Ohio's Part D TSP plan for the Middletown area is disapproved. Although USEPA is disapproving the plan, the emission limitations and other requirements in the federally approved SIP remain in effect. See § 52.1870(c)(27).

(j) *Approval*—EPA is approving the PM<sub>10</sub> maintenance plan for Cuyahoga and Jefferson Counties that Ohio submitted on May 22, 2000, and July 13, 2000.

(k) *Determinations of Attainment*. EPA has determined, as of November 20, 2009, the Parkerburg-Marietta, WV-OH

and the Wheeling, WV-OH PM<sub>2.5</sub> nonattainment areas have attained the 1997 PM<sub>2.5</sub> NAAQS. These determinations, in accordance with 40 CFR 52.1004(c), suspend the requirements for these areas to submit an attainment demonstration, associated reasonably available control measures, a reasonable further progress plan, contingency measures, and other planning SIPs related to attainment of the standard for as long as these areas continue to meet the 1997 PM<sub>2.5</sub> NAAQS.

(l) *Disapproval*. EPA is disapproving the portions of Ohio's Infrastructure SIP for the 2006 24-hour PM<sub>2.5</sub> NAAQS addressing interstate transport, specifically with respect to section 110(a)(2)(D)(i)(I).

(m) *Determination of Attainment*. EPA has determined, as of September 7, 2011, that based upon 2007–2009 air quality data, the Huntington-Ashland, West Virginia-Kentucky-Ohio, nonattainment Area has attained the 1997 annual PM<sub>2.5</sub> NAAQS. This determination, in accordance with 40 CFR 52.1004(c), suspends the requirements for this Area to submit an attainment demonstration, associated reasonably available control measures, a reasonable further progress plan, contingency measures, and other planning SIPs related to attainment of the standard for as long as this Area continues to meet the 1997 annual PM<sub>2.5</sub> NAAQS.

(n) *Determination of Attainment*. EPA has determined, as of September 14, 2011, that based on 2007 to 2009 ambient air quality data, the Cleveland-Akron, Columbus, Dayton-Springfield, and Steubenville-Weirton nonattainment areas have attained the 1997 annual PM<sub>2.5</sub> NAAQS. This determination, in accordance with 40 CFR 52.1004(c), suspends the requirements for these areas to submit attainment demonstrations, associated reasonably available control measures, reasonable further progress plans, contingency measures, and other planning SIPs related to attainment of the standard for as long as these areas continue to meet the 1997 annual PM<sub>2.5</sub> NAAQS.

(o) *Determination of Attainment*. EPA has determined, as of September 29, 2011, that based upon 2007–2009 air quality data, the Cincinnati-Hamilton, Ohio-Kentucky-Indiana nonattainment

Area has attained the 1997 annual PM<sub>2.5</sub> NAAQS. This determination, in accordance with 40 CFR 52.1004(c), suspends the requirements for this Area to submit an attainment demonstration, associated reasonably available control measures, a reasonable further progress plan, contingency measures, and other planning SIPs related to attainment of the standard for as long as this Area continues to meet the 1997 annual PM<sub>2.5</sub> NAAQS.

(p) Approval—The 1997 annual PM<sub>2.5</sub> maintenance plans for the following areas have been approved:

(1) The Cincinnati-Hamilton nonattainment area (Butler, Clermont, Hamilton, and Warren Counties), as submitted on January 25, 2011. The maintenance plan establishes 2015 motor vehicle emissions budgets for the Cincinnati-Hamilton area of 1,678.60 tpy for primary PM<sub>2.5</sub> and 35,723.83 tpy for NO<sub>x</sub> and 2021 motor vehicle emissions budgets of 1,241.19 tpy for primary PM<sub>2.5</sub> and 21,747.71 tpy for NO<sub>x</sub>.

(2) The Ohio portion of the Huntington-Ashland nonattainment area (Lawrence and Scioto Counties and portions of Adams and Gallia Counties). The maintenance plan establishes a determination of insignificance for both NO<sub>x</sub> and primary PM<sub>2.5</sub> for conformity purposes.

(3) The Ohio portion of the Parkersburg-Marietta, WV-OH nonattainment area (Washington County), as submitted on February 29, 2012, and supplemented on April 30, 2013. The maintenance plan determines the insignificance of motor vehicle emissions budgets for Washington County.

(4) The Ohio portion of the Wheeling, WV-OH nonattainment area (Belmont County), as submitted on April 16, 2012, and supplemented on April 30, 2013. The maintenance plan determines the insignificance of motor vehicle emissions budgets for Belmont County.

(5) The Ohio portion of the Steubenville-Weirton nonattainment area (Jefferson County). The maintenance plan establishes a determination of insignificance for both NO<sub>x</sub> and primary PM<sub>2.5</sub> for conformity purposes.

(6) The Cleveland-Akron-Lorain area (Cuyahoga, Lake, Lorain, Medina, Portage, and Summit Counties and Ash-

tabula Township in Ashtabula County), as submitted on October 5, 2011. The maintenance plan establishes 2015 motor vehicle emissions budgets for the Cleveland-Akron-Lorain area of 1,371.35 tpy for primary PM<sub>2.5</sub> and 35,094.70 tpy for NO<sub>x</sub> and 2022 motor vehicle emissions budgets of 880.89 tpy for primary PM<sub>2.5</sub> and 17,263.65 tpy for NO<sub>x</sub>.

(7) The Dayton-Springfield, Ohio nonattainment area (Clark, Greene, and Montgomery Counties), as submitted on June 1, 2011, and on April 30, 2013. The maintenance plan establishes 2015 motor vehicle emissions budgets for the Dayton-Springfield area of 404.43 ton per year (tpy) PM<sub>2.5</sub> and 12,865.54 tpy nitrogen oxides (NO<sub>x</sub>) and 2022 motor vehicle emissions budgets of 261.33 tpy PM<sub>2.5</sub> and 6,270.64 tpy NO<sub>x</sub>.

(8) The Canton-Massillon nonattainment area (Stark County). The maintenance plan establishes motor vehicle emissions budgets for the Canton-Massillon area of 204.33 tpy for primary PM<sub>2.5</sub> and 7,782.84 tpy for NO<sub>x</sub> for 2015, and 101.50 tpy for primary PM<sub>2.5</sub> and 4,673.83 tpy for NO<sub>x</sub> for 2025.

(9) Approval—The 1997 annual PM<sub>2.5</sub> maintenance plan for the Columbus, Ohio nonattainment area (including Coshocton, Delaware, Licking, Fairfield, and Franklin Counties) has been approved as submitted on June 3, 2011. The maintenance plan establishes 2015 and 2022 motor vehicle emissions budgets for this area of 25,084.11 tons per year for NO<sub>x</sub> and 873.46 tons per year for primary PM<sub>2.5</sub> in 2015 and 12,187.50 tons per year for NO<sub>x</sub> and 559.13 tons per year for primary PM<sub>2.5</sub> in 2022.

(q) Approval—The 1997 annual PM<sub>2.5</sub> comprehensive emissions inventories for the following areas have been approved:

(1) Ohio's 2005 NO<sub>x</sub>, directly emitted PM<sub>2.5</sub>, and SO<sub>2</sub> emissions inventory satisfies the emission inventory requirements of section 172(c)(3) for the Cincinnati-Hamilton area.

(2) Ohio's 2005 and 2008 NO<sub>x</sub>, directly emitted PM<sub>2.5</sub>, and SO<sub>2</sub> emissions inventory satisfies the emission inventory requirements of section 172(c)(3) for the Huntington-Ashland area.

(3) Ohio's 2005 NO<sub>x</sub>, primary PM<sub>2.5</sub>, and SO<sub>2</sub> and 2007/2008 ammonia and VOC emissions inventories satisfy the

emission inventory requirements of section 172(c)(3) of the Clean Air Act for Washington County.

(4) Ohio's 2005 NO<sub>x</sub>, primary PM<sub>2.5</sub>, and SO<sub>2</sub> and 2007/2008 ammonia and VOC emissions inventories satisfy the emission inventory requirements of section 172(c)(3) of the Clean Air Act for Belmont County.

(5) Ohio's 2005 and 2008 NO<sub>x</sub>, directly emitted PM<sub>2.5</sub>, SO<sub>2</sub>, VOC, and ammonia emissions inventory satisfies the emission inventory requirements of section 172(c)(3) for the Steubenville-Weirton area.

(6) Ohio's 2005 and 2008 NO<sub>x</sub>, primary PM<sub>2.5</sub>, and SO<sub>2</sub> emissions inventories and 2007/2008 VOC and ammonia emission inventories, as submitted on October 5, 2011 and supplemented on April 30, 2013, satisfy the emission inventory requirements of section 172(c)(3) of the Clean Air Act for the Cleveland-Akron-Lorain area.

(7) Ohio's 2005 and 2008 NO<sub>x</sub>, primary PM<sub>2.5</sub>, and SO<sub>2</sub> and 2007/2008 ammonia and VOC emissions inventories satisfy the emission inventory requirements of section 172(c)(3) of the Clean Air Act for the Dayton-Springfield area.

(8) Ohio's 2005 and 2008 NO<sub>x</sub>, directly emitted PM<sub>2.5</sub>, SO<sub>2</sub>, VOC, and ammonia emissions inventory satisfies the emission inventory requirements of section 172(c)(3) for the Canton-Massillon area.

(9) Ohio's 2005 NO<sub>x</sub>, primary PM<sub>2.5</sub>, and SO<sub>2</sub> emissions inventories as, as submitted on June 3, 2011, and 2007 VOC and ammonia emission inventories, as submitted on April 30, 2013, satisfy the emission inventory requirements of section 172(c)(3) of the Clean Air Act for the Columbus area.

(r) *Determination of Attainment.* EPA has determined, as of May 14, 2012, that based on 2008 to 2010 ambient air quality data, the Steubenville-Weirton nonattainment area has attained the 24-hour 2006 PM<sub>2.5</sub> NAAQS. This determination, in accordance with 40 CFR 52.1004(c), suspends the requirements for this area to submit an attainment demonstration, associated reasonably available control measures, a reasonable further progress plan, contingency measures, and other planning SIPs related to attainment of the standard for as long as this area continues to meet the 24-hour 2006 PM<sub>2.5</sub> NAAQS.

(s) Approval—The 2006 24-hour PM<sub>2.5</sub> maintenance plans for the following areas have been approved:

(1) The Ohio portion of the Steubenville-Weirton nonattainment area (Jefferson County). The maintenance plan establishes a determination of insignificance for both NO<sub>x</sub> and primary PM<sub>2.5</sub> for conformity purposes.

(2) The Cleveland-Akron-Lorain area (Cuyahoga, Lake, Lorain, Medina, Portage, and Summit Counties), as submitted on May 30, 2012. The maintenance plan establishes 2015 motor vehicle emissions budgets for the Cleveland-Akron-Lorain area of 1,371.35 tpy for primary PM<sub>2.5</sub> and 35,094.70 tpy for NO<sub>x</sub> and 2022 motor vehicle emissions budgets of 880.89 tpy for primary PM<sub>2.5</sub> and 17,263.65 tpy for NO<sub>x</sub>.

(3) The Canton-Massillon nonattainment area (Stark County). The maintenance plan establishes motor vehicle emissions budgets for the Canton-Massillon area of 204.33 tpy for primary PM<sub>2.5</sub> and 7,782.84 tpy for NO<sub>x</sub> for 2015, and 101.50 tpy for primary PM<sub>2.5</sub> and 4,673.83 tpy for NO<sub>x</sub> for 2025.

(t) Approval—The 2006 24-hour PM<sub>2.5</sub> comprehensive emissions inventories for the following areas have been approved:

(1) Ohio's 2005 and 2008 NO<sub>x</sub>, directly emitted PM<sub>2.5</sub>, SO<sub>2</sub>, VOC, and ammonia emissions inventory satisfies the emission inventory requirements of section 172(c)(3) for the Steubenville-Weirton area.

(2) Ohio's 2005 and 2008 NO<sub>x</sub>, primary PM<sub>2.5</sub>, and SO<sub>2</sub> emissions inventories and 2007/2008 VOC and ammonia emission inventories, as submitted on May 30, 2012 and supplemented on April 30, 2013, satisfy the emission inventory requirements of section 172(c)(3) of the Clean Air Act for the Cleveland-Akron-Lorain area.

(3) Ohio's 2005 and 2008 NO<sub>x</sub>, directly emitted PM<sub>2.5</sub>, SO<sub>2</sub>, VOC, and ammonia emissions inventory satisfies the emission inventory requirements of section 172(c)(3) for the Canton-Massillon area.

[39 FR 13542, Apr. 15, 1974]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 52.1880, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at [www.fdsys.gov](http://www.fdsys.gov).